

Remarks

The Office Action mailed February 23, 2007 has been carefully reviewed and the following amendment is submitted in consequence thereof.

Applicant believes that no extension of term is required and that no additional fee for claims is required. If any additional fee is required for an extension of term or claims, the Commissioner is hereby authorized to charge Deposit Account No. 01-2384.

Claims 1-15, 19-24 and 26-29 are now pending in this application, of which claims 13, 19, 26, 28 and 29 are amended. Claims 25 and 30 are cancelled without prejudice. It is respectfully submitted that the pending claims define allowable subject matter.

The prior art rejections will now be considered in the order set forth in the Office Action.

I. Marks '360

The rejection of claims 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Marks '360 is respectfully traversed.

Marks is cited for teaching color bands or numbers on a strip that are revealed according to a weight of the luggage. Claim 13 has been amended for clarity to recite that the indicator comprises a mounting strip coupled to the resistance element and slidable into and out of an interior region of the carrying device, the mounting strip provided with a plurality of color bands that are respectively revealed when the piece of luggage is lifted under increasing amounts of weight. It is respectfully submitted that Marks discloses resilient or elastic members (75) that may be provided with markings or colors to indicate excessive weights. This is not believed to render the invention of claim 13 obvious. The resilient element of Marks stretches to indicate the weight of the bag, while the mounting strip recited in claim 13 slides relative to the carrying device. Bearing in mind that the mounting strip recited in claim 13 is coupled to the resistance element, the elastic member (75) of Marks is generally undesirable because any stretching of the elastic member would distort or obscure the alteration of the claimed resistance element and lead

to a false indication of the weight of the bag. It is therefore respectfully submitted that claims 13 and 14 are patentable over Marks.

Applicants accordingly request that the rejection of claims 13 and 14 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

II. Tan in view of Covell ('770)

The rejection of claims 19-24 and 27-29 under 35 U.S.C. § 103(a) as being unpatentable over Tan (WO 98/31250) in view of Covell (U.S. Patent No. 5,877,770) is respectfully traversed.

Claim 19 now includes the recitations of former dependent claim 25, now cancelled, which was indicated in the Office Action to recite allowable subject matter. Claim 19 is therefore submitted to be patentable over the cited art.

Claims 20-24 depend from claim 19, and when the recitation of claims 20-24 are considered in combination with the recitations of claim 19, claims 20-24 are likewise submitted to be patentable over the cited art.

Claim 26, which was indicated in the Office Action as reciting allowable subject matter, has been rewritten into independent form and is not submitted to be patentable over the cited art.

Claim 29 has been amended to include the recitations of former dependent claim 30, now cancelled, which was indicated in the Office Action to recite allowable subject matter. Claim 29 is therefore submitted to be patentable over the cited art.

Regarding claims 27 and 28, claim 27 recites an on-board weight determining mechanism *integrated into the lifting element*. Tan discloses a weight indicator (10) attached to, but not integrated in, the shoulder straps of the bag. Indeed, it is not clear how the Tan indicator (10) could be integrated into the shoulder straps if that were tried. The Tan indicator (10) operates via extension of a cylindrical shaft (14a) from a body (12) that defines a bore. An end of the straps is connected to the shaft (24a) and a spring (16) is compressed as the shaft (14a) is pulled from the housing when the straps are lifted. The shaft (14b) is provided with level lines to indicate

compression of the spring and the weight of the bag. To function, the Tan indicator has to be external to the straps, not integrated into the lifting element as claim 20 recites.

Covell does not disclose a weight determining mechanism at all and is not believed to cure the deficiencies of Tan with respect to the invention of claim 27. Claim 27 is therefore submitted to be patentable over the cited art.

Claim 28 has been amended for clarity and now recites, among other recitations, a display mounted stationary to the luggage container portion, the display operatively coupled to the weight determining element to indicate, without a moving mechanical element, the load bearing weight to a user when the container portion is lifted via the lifting element. The Tan indicator operates via movement of the piston from the body and is a mechanically based indicator wherein displacement of the piston indicates the weight of the bag. As noted above, Covell does not disclose a weight determining mechanism at all and is not believed to cure the deficiencies of Tan with respect to the invention of claim 28. Claim 28 is not believed to be suggested by Tan and Covell, and claim 28 is submitted to be patentable over the cited art.

Accordingly, Applicants request that the rejection of claims 19-24 and 27-29 be reconsidered and withdrawn.

III. The Objected to Claims

The objection to claims 25, 26 and 30 as being dependent upon rejected base claims is respectfully traversed. As noted above, claims 25 and 30 have been cancelled and their recitations now appear in claims 19 and 29, respectively. Claim 26 has been rewritten into independent form. Applicants therefore request that the objection to claims 25, 26 and 30 be withdrawn.

IV. Conclusion

The indication of allowability of claims 1-12 and 15 is noted with appreciation.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Bruce T. Atkins, Reg. No. 43,476
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, MO 63102-2740
(314) 621-5070